S.B.Cr.Misc. Bail App. No.5171/2007

(Narain & Ors. Vs. State of Rajasthan)

Date of order : December 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.P.R.Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioners that the first informant in his report has stated that it was co-accused Maliya, who inflicted the injuries on the head of the deceased Mangi Lal by axe. He categorically stated that while deceased Mangi Lal was going, Maliya ran after him and inflicted 2-3 injuries on his skull and, thereafter the deceased fell down. So far as allegation of causing injuries by the present petitioners are concerned, it is alleged that the present petitioners inflicted injuries on the back of Narain and Rammu, which are simple in nature by blunt object on non-vital parts.

I have gone through the statements of Rammu. She also stated that it was Maliya, who ran after his uncle Mangilal having

axe and inflicted 2-3 injuries by axe on the head of the deceased.

Keeping in view the statement of the eye-witnesses and the fact that it was Maliya, who inflicted injuries to deceased by axe and the injuries assigned to the present petitioners to the injured are simple in nature by blunt object, without commenting on the merit of the case, I consider it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Narain s/o Bhem Ji, Bhem Ji s/o Gaang Ji and Vaag Ji s/o Bhem Ji be released on bail in FIR No.71/2007, P.S., Khamera, Distt. Banswara provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-